



Deval L. Patrick
Governor

The Commonwealth of Massachusetts

Department of Public Safety

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

[*www.mass.gov/dps*](http://www.mass.gov/dps)

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Minutes

Board of Boiler Rules

National Guard Armory, Wellesley, MA 02108

Meeting of December 3, 2014, 10:00 AM

1. Meeting called to order by the Chairman Ed Kawa at 10:00 AM. The Chairman asked that members present identify themselves, and whom they represent as Board members:

Board Members Present:

Edward Kawa, Chairman
Anthony Lucia, Users
Ray Archambault, Operating Engineers
Charles Perry, Boiler Manufacturers

Board Members Not Present:

Leah Francis, Insurers

- * The Chairman asked that attendees please identify themselves, and with whom they are affiliated:

Guests Present:

Paul Terrio, Chief Engineer, MATEP
Mike Roby, FM Global
Mike Robillard, Chubb
Stephen Kapnis, CNA
Frank Zarella, Travelers

Cesar Lastra, DPS
Carrie Torrisi, DPS
Holly Bartlett, DPS

2. Minutes of previous meetings: The minutes from the previous meeting on November 6, 2014, were distributed for review. *Motion to accept these minutes into record made by Charles Perry, seconded by Ray Archambault; motion passed by unanimous vote.*
3. Petitions for inspectional considerations: The following requests for extension of the inspectional requirements were considered:

- a. Kendall Green Energy, LLC: Request for a six-month extension for MA-036053 was approved by the Board of Boiler Rules on 5/28/14; William Lang, Engineer in Charge at Kendall, provided a copy of the current Certificate of Inspection for this unit to the Board as record of compliance.
 - b. Lowell General Hospital, Extension Request dated October 14, 2014, for a one-month extension of the inspectional requirement for one unit, MA #075325. The Chairman informed the Board he has received a request to amend the original, so this matter will be considered at the next meeting.
 - c. MATEP LLC, Extension Request dated October 6, 2014 for a six-month extension of the inspectional requirement for MA #063105A, and Request dated November 11, 2014, for a six-month extension of the inspectional requirement for MA #063104; Paul Terrio, Chief Engineer, MATEP was present to address these requests. (Since the Board did not have copies of these requests, Paul Terrio provided a copy for the Board members to review.) (At approximately 10:09 AM, the Chairman stopped the meeting for a 10-minute break. Consideration of this request resumed after the conclusion of this break.) ***Motion to approve these requests made by Anthony Lucia, seconded by Ray Archambault; motion passed by unanimous vote.***
4. Written comments received/Proposed draft of 522 CMR: The Chairman explained that he will recap where the Board stands with the proposed regulations, what will be done at this meeting, and how the Board will move forward. The Chairman clarified that at the last meeting, public comment regarding the existing regulation was received, and that since that meeting, several written comments were received regarding the standing 522 CMR; those comments have been handed out to the Board members, and the Board will consider those comments to make applicable changes to the draft of the amended regulation. If the Board agrees to approve the amended regulation at this meeting, a public hearing will then be scheduled for the proposed regulation.

The Chairman then explained that the review would proceed through the clean copy of the proposed amended regulation (with the red-line copy on hand), reviewing each of the comments received, either at the last meeting, or in writing since that meeting. The following sections were addressed:

- a. Page 5, comment received from Tom Stanton regarding the definition of ‘authorized inspector’, and recommended that the term be defined as ‘commissioned inspector’. The Chairman explained that the Board can define the terms that they use in regulation they write. This change was not incorporated into the draft regulation.
- b. Page 8, correction, remove the words ‘and current’; this change was incorporated into the draft.
- c. Page 9, deals with routine repair, remove the word ‘department’ and insert ‘chief’. Cesar Lastra explained that this was suggested by Charles Perry, citing 522 CMR Chapter 15. The Chairman then pointed to page 73, item 54, which was where Charles Perry’s original changes had been directed. Language regarding delegation of the presence of an engineer in charge in lieu of the required presence of and inspector has been removed; the regulations require the repair organization’s designee and the owner/user to witness the test.
- d. Page 16/17, the comment provided is to streamline the language in the first paragraph of page 16, with regards to the posting of certificates.
- e. Page 18, language regarding boiler horse power was moved from Section 4 Part 11 to Section 2.06, Power Boilers.
- f. Page 23, the words ‘when there is doubt’ was removed.
- g. Page 27/28, language regarding certificates, was changed to reflect previous language used on Page 16/17.
- h. Page 31, language regarding procedure to be used by owner/user when there is a missing tag.

- i. Page 57, test gauge connection language, suggestion made to remove this requirement for installation of air tanks; it was agreed to add language that an inspector may require use of a test gauge.
- j. Page 64, comments received from Frank Zarella and Inspector Henry Geryk, regarding rooftop refrigeration units; the Chairman deferred to Frank Zarella to clarify his comments. He pointed out that units located outside of space which could be occupied do not need to conform to ASHRAE standards. The Chairman pointed out that a unit cannot be exempted simply because it is not located in a mechanical space; he also clarified that the Board would need further information on the design of rooftop refrigeration units, and the UL labeling, in order to accurately write regulation regarding them. At this point, there will be no changes to this language in the regulation. There was additional comment regarding the refrigeration units submitted by Henry Geryk; seeking additional language requiring periodic testing; no change was made.
- j. Page 73, suggestion to remove the term ‘district engineering inspector’; the Chairman pointed out that this language is in statute; no changes will be made.

There was additional comment provided by Paul Logan concerning 2.02; the Chairman pointed out that some of these comments apply to the existing regulation, and some apply to the proposed changes. He went on to reiterate that the Board has the authority to write rules, including that contained in 2.02, and that legal counsel attends to ensure the Board’s regulation are in compliance.

Following this discussion, the Chairman asked for a motion to approve the regulation, as amended; ***motion made by Anthony Lucia to approve the regulation, as amended, motion seconded by Ray Archambault; motion passed by unanimous vote.***

Carrie Torrisi advised the Board that, now that the draft has been approved, a date for public hearing will be scheduled within the next two months; after public hearing, and a 1-2 week public comment period, another meeting will be scheduled to discuss comments received. If no new changes are proposed following public hearing, there will not be a second public hearing .

5. Matters not reasonably anticipated 48 hours in advance of meeting:

- a. Anthony Lucia addressed the Board, stating that he has received several petitions from Paul Logan. The Chairman asked that the Board members forward any such petitions received to Holly Bartlett, and the Chairman will review the content of any such petitions to determine if they are relevant to the Board’s agenda.
- b. Frank Zarella asked if the Board would be discussing interpretation of ASHRAE Standard 15 regarding ammonia shut off switches; the Chairman replied that the Board would need additional information regarding that matter in order to address it. Frank Zarella pointed out that he is waiting on interpretation regarding a specific piece of equipment; the Chairman told him to submit a work order for the violation; the owner/user would then be able to petition the Board regarding that work order.

6. Adjournment – The date of the next meeting will be determined by the date set for the public hearing; the date of the hearing, and clean copy of the proposed regulation will be posted on the DPS website.. ***Motion to adjourn this meeting made by Ray Archambault, seconded by Charles Perry; motion passed by unanimous vote, meeting adjourned at 11:28AM.***

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from meeting on November 6, 2014
- b. Extension Request, Kendall Green Energy
- c. Extension Request – MATEP, two units
- d. Draft of Proposed Changes to 522 CMR, red-line and ‘clean’
- e. Written Comments on 522 CMR